

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,
Plaintiff,

v.

APPLE INC.,
Defendant.

Case No. 20-cv-05640-YGR (TSH)

DISCOVERY ORDER

The Court issues additional rulings on the parties' objections to the Special Masters' privilege determinations and on the related motions to seal.

A. ECF No 1408 (Apple's Objections)

Apple's objections concerning Entries 2369, 2440, 2600, 2601, 2608, 2609, 2610, 2611, 2612, 2615, 2616, 2617, 2683 and 2711 are **OVERRULED**.

Apple's objections concerning Entries 2380, 2404, 2435, 2449 and 2450 are **SUSTAINED**.

For Entry 2605, Apple's redaction of the single message relaying Stephanie Fine's opinion is acceptable. Apple must produce the document with that one redaction.

Apple's motion to seal at ECF No. 1406 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

B. ECF No. 1414 (Epic's Objections)

Epic's objections concerning Entries 2066, 2071, 11496, 1824, 1858, 11300 and 11557 are **SUSTAINED**.

Epic's objection concerning Entry 2092 is **OVERRULED**.

With respect to the motion to seal at ECF No. 1415, Apple's proposed order at ECF No.

1 1430-3 is **GRANTED**

2 **C. ECF No. 1417 (Epic's Objections)**

3 Epic's objections concerning Entries 11578, 11630 and 12107 are **OVERRULED**.

4 Epic's objections concerning Entries 11638, 11644, 11646, 11673, 11916, 12108 and
5 12148 are **SUSTAINED**.

6 The parties have resolved their dispute as to Entry 11987, which Apple has agreed to
7 produce.

8 With respect to the motion to seal at ECF No. 1418, Apple's proposed order at ECF No.
9 1431-3 is **GRANTED**.

10 **D. ECF No. 1428 (Epic's Objections)**

11 For PRIV-APL_EG_00171841 and PRIV-APL_EG_00266168, Epic's objections are
12 **OVERRULED**.

13 For PRIV-APL_EG_00171672, Epic's objection is **SUSTAINED**.

14 For the motion to seal at ECF No. 1429, Apple's proposed order at ECF No. 1450-3 is
15 **GRANTED**.

16 **E. ECF No. 1432 (Epic's Objections)**

17 The parties have resolved their dispute with respect to Entries 2824 and 2901, which Apple
18 has agreed to produce.

19 Epic's objections concerning Entries 3207, 3208, 2396, 2417, 2533 and 2544 are
20 **SUSTAINED**.

21 With respect to the motion to seal at ECF No. 1433, Apple's proposed order at ECF No.
22 1455-2 is **GRANTED**. Apple shall file the redacted Exhibits A and B in the public record within
23 five days.

24 **F. ECF No. 1435 (Apple's Objections)**

25 Apple's objections concerning Entries 2816 and 3103 are **SUSTAINED**.

26 Apple's objections concerning Entries 3112, 3134, 3169 and 12354 are **OVERRULED**.

27 Apple's motion to seal at ECF No. 1434 is **GRANTED**. Apple shall file the redacted
28 privilege log in the public record within five days.

G. ECF No. 1440 (Apple's Objections)

Apple's objections concerning Entries 3408, 3480 and 3530 are **OVERRULED**.

Apple's motion to seal at ECF No. 1439 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

H. ECF No. 1445 (Epic's Objections)

Epic's objections concerning Entries 2655, 2681 and 12803 are **SUSTAINED**.

Epic's objections concerning Entries 2678 and 12894 are **OVERRULED**.

With respect to Entry 3510, Apple may redact the sentence that begins, "Heather and Alanna . . ." but the rest of the email is not privileged. Apple shall produce this document with this redaction.

With respect to Entry 12637, Apple may redact the 6:03 a.m. email from Jeff Wilder on the third page. The rest of the email exchange is not privileged. Apple shall produce this document with this redaction.

With respect to the motion to seal at ECF No. 1446, Apple's proposed order at ECF No. 1458-4 is **GRANTED**.

I. ECF No. 1448 (Apple's Objections)

Apple's objection concerning Entry 2642 is **SUSTAINED**.

Apple's motion to seal at ECF No. 1447 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

J. ECF No. 1456 (Epic's Objections)

Epic's objections concerning Entries 2827, 2697, 12297, 2825 and 2966 are **SUSTAINED**.

Epic's objections concerning Entries 12230, 12740, 12296, 12300 and 12287 are **OVERRULED**.

With respect to Entry 2962, the redactions to Kyle Andeer's 8:00 p.m. email are proper, but the other redactions are not. Apple shall produce this document with only those redactions.

With respect to the motion to seal at ECF No. 1457, Apple's proposed order at ECF No. 1480-4 is **GRANTED**.

K. ECF No. 1466 (Apple's Objections)

Apple's objections concerning Entries 3595, 3679, 3709 and 3734 are **OVERRULED**.

The motions to seal at ECF Nos. 1481 and 1465 are **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

L. ECF No. 1471 (Apple's Objections).

Apple's objection concerning Entry 7744 is **OVERRULED**.

With respect to the motion to seal at ECF No. 1485, Apple's proposed order at ECF No. 1504-3 is **GRANTED**.

M. ECF No. 1463 (Epic's Objections)

Epic's objections concerning Entries 804, 924, 941 and 970 are **SUSTAINED**.

Epic's objections concerning Entries 921, 1054, 1321 and 1437 are **OVERRULED**.

The parties have resolved their dispute concerning Entry 1074, which Apple has agreed to produce.

With respect to the motion to seal at ECF No. 1464, Apple's proposed order at ECF No. 1486-3 is **GRANTED**.

N. ECF No. 1469 (Epic's Objections)

The parties have resolved their dispute concerning Entries 3662 and 4118, which Apple has agreed to produce.

Epic's objection concerning Entry 3727 is **SUSTAINED**.

With respect to Entry 3940, Apple may redact the sentence on the first page that begins "Fred – I texted with Heather . . ." Nothing else in this email exchange is privileged. Apple shall produce this document with this one redaction.

With respect to Entry 4130, Apple may redact Eric Gray's 21:09:02 p.m. message on the seventh page. Nothing else in this document is privileged. Apple shall produce this document with this one redaction.

Epic's objections concerning Entries 4162, 4179 and 4182 are **OVERRULED**.

With respect to the motion to seal at ECF No. 1470, Apple's proposed order at ECF No. 1487-3 is **GRANTED**.

O. ECF No. 1475 (Epic's Objections)

Epic's objections concerning Entries 5699, 5715, 5735, 5739 and 7968 are **SUSTAINED**.

The parties have resolved their dispute concerning Entry 8035, which Apple has agreed to produce.

Epic's objections concerning Entries 8347, 7868, 7877 and 8180 are **OVERRULED**.

With respect to Entry 7717, Apple may redact the sentence that begins "@Ling . . ." on the third page of the document. Nothing else in this document is privileged. Apple shall produce this document with this one redaction.

With respect to the motion to seal at ECF No. 1476, Apple's proposed order at ECF No. 1491-3 is **GRANTED**.

IT IS SO ORDERED.

Dated: May 16, 2025


THOMAS S. HIXSON
United States Magistrate Judge